IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 288 OF 2002

Pritamsingh Jagatsingh Lotey .. Petitioner

versus

Ravindrasingh Jagatsingh Lotey .. Respondents

...

None present for the petitioner.

Ms.Anita Bhaktwani for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 14th September 2005.

P.C.:

1. Civil Revision Application no.1074 of 1997 came to be decided by this Court on 27th November 1997 by recording the following undertaking by the respondent therein who is respondent no.1 in this Contempt Petition.

> "Till hearing and final disposal of this Civil Revision Application, the respondent could not encumber and/or disclose of the suit property being CTS No.452, 451/1 and the building

known as Lotey Niwas at 25, Collectors Colony, Chembur and will not part the possession of the said suit property or induct any third person therein during the pendency of the suit."

2. In CRA no.1074 of 1997, Rule was issued on interim relief and the prayer for interim relief was disposed on the basis of the said undertaking. It has been contended in this petition that the said undertaking has been disobeyed wilfully by the respondent nos.1 and 2. It is further alleged that on 27th January 1999, the respondent no.1 deposited the documents concerning the suit plot with the Kapol Bank Ltd. In addition, it has been also alleged that respondent no.1 availed financial assistance from two Banks and states that this information was made known to him sometimes in February 2001. However, this Contempt Petition has been filed on or about 2nd April 2004. Undoubtedly, it is hit by limitations as set out in Section 20 of the Contempt of Courts Act 1971.

3. Contempt Petition is therefore dismissed.

B.H. MARLAPALLE, J